

An. Code, sec. 96. 1904, sec. 94. 1896, ch. 202, sec. 88.

104. If any judge or clerk of election, or any officer of registration, revision, election or canvass of whom any duty is required in this article, or by any other election law of this State, shall be guilty of any wilful neglect of such duty, or any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be punished by imprisonment in jail for not less than thirty days nor more than three years, or by a fine of not less than fifty (\$50) dollars nor more than one thousand (\$1,000) dollars, or by both such fine and imprisonment.

An indictment being under sec. 206, an instruction is erroneous which directs the jury that this section which makes wilful neglect of duty the offense, is applicable. *Cochran v. State*, 119 Md. 555.

If there be a remedy under this section, it does not necessarily depend upon construction of sec. 53, but upon question of whether the officers mentioned were guilty of corrupt or fraudulent conduct or practice in the performance of their duties, or, in some cases, of wilful neglect of duty. *Thom v. Cook*, 113 Md. 92.

As to civil liability of judges of election for fraudulently and maliciously refusing to register a voter, see *Friend v. Hamill*, 34 Md. 298; *Elbin v. Wilson*, 33 Md. 142. See also *Hardesty v. Taft*, 23 Md. 530.

As to the indictment of an officer of registration under the act of 1882, ch. 22, see *Mincher v. State*, 66 Md. 230.

See sec. 173.

An. Code, sec. 97. 1904, sec. 95. 1896, ch. 202, sec. 89.

105. Every judge or clerk of election or other officer or person having the custody of any record, registry of voters or copy thereof, oath, return or statements of votes, certificate, poll-list, or any papers, documents, ballots, coupons or vote of any description in this article directed to be made, filed or preserved, who is guilty of concealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein except as allowed and directed by the provisions of this article, or who permits any other person to do so, shall upon conviction thereof be adjudged guilty of a felony and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one nor more than ten years.

See sec. 173.

An. Code, sec. 98. 1904, sec. 96. 1896, ch. 202, sec. 90.

106. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section, or who advises, procures or abets the commission of the same, or any of them, shall upon conviction thereof be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years, and such offense shall be deemed to have been committed whether such person has or had any custody or control, rightful or otherwise, over, or is charged with any duty in relation to said records, registers, ballots, coupons or other documents.

See sec. 173.